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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/002,837

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Jamie Kellner

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22440 7590 07/11/2008  
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EXAMINER

SALCE, JASON P

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

07/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/002,837	KELLNER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jason P. Salce	2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15, 17, 18, 20, 22-27, 29, 30 and 47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15, 17, 18, 20, 22-27, 29, 30 and 47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/12/2008 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 12/12/2007 have been fully considered but they are not persuasive.

Applicant has amended the independent claims, however the amended limitations still read on the prior art of record (**Block reference of record**).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15, 17-18, 20, 22-27, 29-30 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant et al. (U.S. Patent No. 5,652,615) in view of Block et al. (U.S. Patent No. 6,675,384).

Referring to claim 1, Bryant discloses a broadcasting system (**see Figure 1**) comprising a broadcasting apparatus (**see studio 110, Head End 140, Sub-Head End 150 or Street Box 160 in Figure 1**) adapted to transmit several composite video signals (**see Column 2, Lines 18-35 and Lines 60-62**) to several respective geographic areas (**see Figure 1 and Column 4, Lines 35-59 for multiple set-top boxes 200 in various geographic locations receiving composite video signals**), each of said composite video signals including a video broadcast channel that carries a video signal for an audio-visual program (**see Figure 4 and Column 5, Lines 40-45**), a main audio channel that carries a standard audio track for said program and an additional channel that carries an alternative audio track for said program (**see Figure 4 and Column 5, Lines 42-45 for the composite video signal comprising a first and second audio channel (main and alternative)**, said alternative audio track being a modified version of said standard audio track that is specific to the respective geographic area (**see Figure 8 and Column 8, Lines 35-59 and further note that Figure 8 clearly teaches that the alternative audio track A - C/D – A is a modified version of the standard audio track A – B - A transmitted from Head End/Street Box 840 to STB 831**), said standard audio track and said alternative audio track consisting of dialog in the same language (**see Column 6, Line 55 through Column 7, Line 17 for selecting program content for two demographically different**

**audiences from with a single broadcast and further note that two set-top boxes 200 in Figure 1 can reside under a single Street Box 160, therefore video programs transmitted to two different families on a single street would transmit programs in the same language).**

Bryant also discloses a plurality of video signal processors disposed in several of said geographic areas and adapted to receive said composite video signals and to generate corresponding output audio and video signals (**see again Figures 1 and 8 and the examiner remarks above**), said video signal processors including a selector adapted to select one of said main and alternative audio tracks as the active audio track (**see Figure 2 for STB 200 and Column 4, Line 54 through Column 5, Line 9 for the components used to switch between the various demographic composite program signals**), said video signal processors generating said output audio signal corresponding to said active audio track (**see again Column 6, Line 55 through Column 7, Line 17**).

Bryant also discloses that a first of said video signal processors is disposed in a first of said geographic areas (**see STB 831 in Figure 8**), having its selector set to receive the alternative audio track and generating a first output audio signal with a small number of segments being specific to said first geographic location (**see Figure 8 and Column 8, Lines 35-59 and further note that Figure 8 clearly teaches that the alternative audio track A - C/D - A is a modified version of the standard audio track A - B - A transmitted from Head End/Street Box 840 to STB 831**).

Bryant also discloses that the second of said video signal processors is disposed in a second of said geographic areas (**see STB 833 in Figure 8**), having its selector set to receive the alternative audio tracks, and generating a second output audio signal with a small number of segments being specific to said second geographic location, the remaining segments of said second output signal being identical to the remaining segments of said first output signal (**see Figure 8 and Column 8, Lines 35-59 and further note that Figure 8 clearly teaches that the alternative audio track A - C/D – A is a modified version of the standard audio track A – B - A transmitted from Head End/Street Box 840 to STB 831**).

Bryant fails to disclose that the alternative audio track for said program is transmitted on a SAP (secondary audio program) channel.

Block discloses carrying additional audio channels in the SAP portion of the composite video signal (**see Column 19, Lines 18-52**).

Block also discloses that at least one of said video signal processors is comprised of a settable latch and decoder, wherein said latch is set by entering a code which is decoded by said decoder, and in which said settable latch is engaged to only receive said alternate audio track (**see Figure 7 and Column 13, Line 58 through Column 14, Line 52 and Column 15, Line 20 through Column 17, Line 60 for teaching a latch and decoder for determining what audio channel to select for output to the viewer**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the composite video signals, as taught by Bryant, to

include alternative audio signals in a SAP portion of the composite video signals, as taught by Block, for the purpose of increasing the amount of information available to a television viewer during the broadcast of a program (**see Column 1, Lines 65-66 of Field, U.S. Patent No. 4,410,911 which is incorporated by reference by Block in order to teach the use of including additional audio signals in the SAP portion of a composite video signal**).

Referring to claims 17-18 and 20, see the rejection of claim 15.

Referring to claim 22, see the rejection of claim 15.

Referring to claim 23, see the rejection of claim 15.

Referring to claim 24, Bryant discloses that the selector is responsive to commands from a user (**see Column 4, Lines 5-9**).

Referring to claim 25, Block discloses a latch responsive to a code to override said commands and lock said selector into a predetermined position (**see Column 14, Lines 6-65**).

Referring to claim 26, see the rejection of claim 1.

Referring to claims 27, 29-30 and 47, see the rejection of claim 1 (**again note Figure 8**).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/  
Primary Examiner, Art Unit 2623

Jason P Salce  
Primary Examiner  
Art Unit 2623

July 9, 2008